

Ordinance No. 2022-01

An emergency ordinance relating to face covering requirements within specified indoor spaces within the city

The City of Minnetonka Ordains:

Section 1. Preamble

On March 11, 2020, the World Health Organization declared the coronavirus COVID-19 a global pandemic. Since June 2021, the CDC has identified new variants of the COVID-19 virus which are present in the United States. Medical experts have determined that some of these variants – most recently the Delta variant and Omicron variant -- are significantly more contagious than previously known variants. The Omicron variant now accounts for 68% of the cases in Minnesota, and the rate of COVID-19 transmission has spiked nationally and locally, largely due to the Omicron variant. The positivity rate of COVID-19 testing in the state reached a record 16.6% for the seven-day period ending December 31, 2021. The present conditions associated with COVID-19 constitute a public health emergency. This emergency ordinance is adopted in response to the emergency and in accordance with Section 3.07 of the City Charter to protect the public safety, health and welfare.

Section 2. Findings

The Minnetonka City Council makes the following findings:

- 2.01 The COVID-19 disease presents a serious health risk to the residents of Minnetonka. As of January 10, 2022, there have been 60,240,751 confirmed cases in the United States, resulting in 835,302 deaths, 1,104,494 confirmed cases in Minnesota, resulting in 10,838 deaths, and 206,106 confirmed cases in Hennepin County, resulting in 2,189 deaths.
- 2.02 The COVID-19 Delta variant has been determined by the CDC to be a “variant of concern” due to its high transmissibility and continues to account for a large number of new cases sequenced in Minnesota, thereby substantially increasing the potential risk of infection and the spread of the virus through the community.
- 2.03 The COVID-19 Omicron variant has been determined by the CDC to be a “variant of concern” and appears to be even more transmissible than the Delta variant.
- 2.04 As of the reporting period ending December 5, 2021, 4.85% of all new cases in Minnesota have been in fully vaccinated individuals ages 12 and up.
- 2.04 The Centers for Disease Control (CDC) and Minnesota Department of Health (MDH) continue to reinforce that the strongest defense against the Delta, Omicron and other potentially dangerous variants is through vaccination, proper use of a face mask, avoidance of crowded spaces, good hand hygiene, and staying home when sick.
- 2.05 The primary benefit of most face coverings is that it reduces the spread of infection by the wearer to others. Because many persons infected with the coronavirus may

be asymptomatic or presymptomatic, without any reason to know that they have the disease, a face-covering requirement protects the health of others, such as business employees who provide essential services to the public.

2.06 Businesses are adversely impacted when employees become infected or must be quarantined due to an exposure. Employee illness can result in temporary closure of some businesses. Reducing the rate of employee illness provides an economic benefit to individual businesses and to the economy as a whole.

2.07 This ordinance is enacted for the purpose of protecting the public health, promoting the local economy, minimizing the need for future reclosing based on public health, and reducing the demand that COVID-19 cases place upon the healthcare system.

Section 3. Face covering requirement

3.01 Definitions. For purposes of this ordinance, the following terms have the meanings provided below:

1. "Cloth face covering" means a covering that fully covers an individual's nose and mouth but is not a Medical-grade mask.
2. "Medical-grade mask" means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.
3. "Space of public accommodation" means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, stadiums, arenas, convention centers, and service establishments as well as educational institutions, recreational facilities and service centers.

3.02 Effective January 17, 2022 at 11:59 p.m., any individual who is over the age of five and able to medically tolerate a face covering shall be required to cover their nose and mouth with a medical-grade mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation, regardless of the individual's vaccination status, except as specifically exempted by section 3.04 of this ordinance.

3.03 Effective January 17, 2022, at 11:59 p.m., all employers of business that are spaces of public accommodation shall require their employees, regardless of vaccination status, to wear a medical-grade mask or cloth face covering whenever

such employees have face-to-face contact with the public, except as specifically exempted by section 3.04 of this ordinance.

3.04 Exemptions. The provisions of sections 3.02 and 3.03 do not apply to:

1. Athletes, performers, and supporting staff competing or performing at indoor spaces of public accommodation are not subject to this regulation.
2. Individuals are not subject to this ordinance while actively engaged in exercise or a fitness activity at any indoor recreational facility.
3. Customers at a restaurant or bar are not subject to this ordinance when seated at a table or counter.
4. Individuals unable to wear a mask due to medical, disability or developmental reasons.
5. Individuals unable to remove their face covering without assistance.
6. Individuals speaking to someone who is deaf or hard of hearing, if the mouth must be visible to communicate effectively.
7. Government buildings operated by any entity other than the City of Minnetonka.
8. Public and private school facilities.
9. Religious institutions.

3.05 Required signage.

Businesses covered by the provisions of section 3.02 of this ordinance must post signage at all public entrances to the business, notifying the public that face coverings are required pursuant to Minnetonka ordinance.

3.06 Enforcement. Violation of this ordinance is not a criminal offense. However:

1. Any individual who fails to comply with this order must be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the ordinance due to medical, disability, or developmental reasons.

2. Any business violating this ordinance shall be subject to administrative action for any licenses they possess with the city.
3. The acting city manager is authorized to suspend enforcement of this ordinance at any time that community transmission of COVID-19 within Hennepin County, according to the Centers for Disease Control and Prevention, is at a level of "Substantial" or lower.

Section 4. Effect

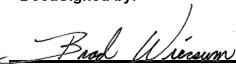
This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

Section 5. Duration

This emergency ordinance is effective as of 11:59 p.m. on January 17, 2022. The ordinance will expire sixty-one (61) days after its effective date.

Adopted by the city council of the City of Minnetonka, Minnesota, on Jan. 14, 2022.

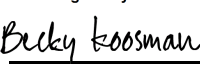
DocuSigned by:



Brad Wiersum, Mayor

Attest:

DocuSigned by:



Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction:	Not applicable
Date of adoption:	Jan. 14, 2022
Motion for adoption:	Schack
Seconded by:	Kirk
Voted in favor of:	Coakley-Kirk-Schack-Wilburn-Calvert-Wiersum
Voted against:	Schaeppi
Abstained:	None
Absent:	None
Ordinance adopted.	

The ~~stricken~~ language is deleted; the underlined language is inserted.

Date of publication: Jan. 27, 2022

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on

Becky Koosman, City Clerk

The ~~stricken~~ language is deleted; the underlined language is inserted.